

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARK D. ANDERSON,

Petitioner,

v.

CASE NO. 05-CV-73199-DT  
HONORABLE VICTORIA A. ROBERTS

RAYMOND BOOKER,

Respondent.

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**ORDER DENYING PETITIONER'S MOTION**  
**FOR APPOINTMENT OF COUNSEL**

This matter is before the Court on Petitioner's motion for appointment of counsel. In support of his request, Petitioner alleges that he is unable to afford counsel, that he has limited legal knowledge and access to legal materials, and that the issues involved in his case are complex. Petitioner has submitted his habeas petition, but Respondent has not yet filed an answer to the petition.

Petitioner has no absolute right to be represented by counsel on federal habeas corpus review. *See Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6<sup>th</sup> Cir. 1995); *see also Wright v. West*, 505 U.S. 277, 293 (1992) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)). “[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.” *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6<sup>th</sup> Cir. 1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9<sup>th</sup> Cir. 1965)). Petitioner has submitted his pleadings in support of his claims. Neither an evidentiary hearing nor discovery are necessary at this time, and the interests of justice do not require appointment of counsel. *See*

18 U.S.C. § 3006A(a)(2)(B); 28 U.S.C. foll. § 2254, Rules 6(a) and 8(c).

Accordingly, the Court **DENIES** Petitioner's motion for appointment of counsel. The Court will bear in mind Petitioner's request if, upon further review of the pleadings, the Court determines that appointment of counsel is necessary. Petitioner need not file an additional motion concerning this issue.

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: October 25, 2005

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on October 25, 2005.

s/Carol A. Pinegar

Deputy Clerk